

article 1223 of the Revised Civil Statutes of the State of Texas."

Adopted, and bill taken up and read second time.

Senator Pope offered the following amendment:

Amend so as to include "all other defendants sued out of the county of their residence."

Accepted, adopted, and bill was ordered engrossed by the following vote:

YEAS—15.

Buchanan,	Johnston of Shelby,	Peacock,
Davis,	Jones,	Pfeuffer,
Evans,	Martin,	Pope,
Getzendaner,	Matlock,	Randolph,
Harris,	Patton,	Stratton.

NAYS—10.

Cooper,	Houston,	Perry,
Farrar,	Johnson of Collin,	Shannon,
Fleming,	Kleberg,	Traylor.
Gibbs,		

Senator Pope moved to suspend the regular order of business and take up substitute House bill No. 274, "An act to amend articles 1667 and 1693 of the Revised Civil Statutes of Texas."

Adopted, and bill taken up, read second time and passed to third reading.

Senator Jones moved to suspend the constitutional rule requiring bills to be read on three several days, to place the bill on its third reading.

Adopted by the following vote:

YEAS—24.

Buchanan,	Harris,	Peacock,
Cooper,	Johnson of Collin,	Perry,
Evans,	Johnston of Shelby,	Pfeuffer,
Farrar,	Jones,	Pope,
Fleming,	Kleberg,	Randolph,
Getzendaner,	Martin,	Shannon,
Gibbs,	Matlock,	Stratton,
Gooch,	Patton,	Traylor.

NAYS—none.

Bill read third time and passed.

Senator Gibbs moved to suspend the regular order of business and take up House bill No. 59, "An act to amend sections 1, 2 and 9 of an act entitled 'an act to amend an act entitled an act creating the office of public weigher, and regulating the appointment and defining the duties and liabilities thereof.'"

Adopted, and bill taken up and read the second time.

Senator Davis offered the following amendment:

Strike out the proviso in the engrossed rider containing the exceptions.

Adopted.

(The President pro tem. in the chair.)

Senator Jones offered the following amendment:

Strike out the part providing for "five public weighers" and insert "three."

Lost.

Senator Martin moved a call of the Senate.

Call seconded.

Roll called.

Absent, Senator Pope.

Pending business went to the table.

Senator Randolph introduced a bill entitled "An act to repeal so much of an act entitled 'an act to diminish the civil and criminal jurisdiction of the county courts of Matagorda, Camp, Houston, Kerr, Mason, San Patricio, Live Oak, Donley, Young, Comal, Atascosa and Wilson,' passed at the present session of the Eighteenth Legislature, as relates to the county of Houston."

Referred to Judiciary Committee No. 1.

On motion of Senator Fleming, Senate adjourned until 9:30 a. m. to-morrow.

SIXTY-SIXTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, March 31, 1883. }

Senate met pursuant to adjournment.

The President pro tem. in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

On motion of Senator Getzendaner, the reading of yesterday's journal was dispensed with, and the same adopted.

On motion of Senator Kleberg, Senator Randolph was indefinitely excused, on account of important business.

Senator Harris, chairman of Committee on Judicial Districts submitted the following report:

COMMITTEE ROOM,
AUSTIN, March 30 1883.

Hon. A. W. Houston, President pro tem. of the Senate:

Your Committee on Judicial Districts, to whom was referred substitute House bill No. 463, entitled "An act to restore to and confer upon the county courts of Burnet and Comanche counties the civil and criminal jurisdiction heretofore belonging to said courts under the Constitution and laws of this State, to conform the jurisdiction of the district court to such change, and to repeal all laws in conflict with the provisions of this act," have carefully considered the same, and instruct me to report it back with the recommendation that it do pass.

HARRIS, Chairman.

Read first time.

Senator Kleberg, Chairman of the Senate free conference committee, to act with a like committee on the part of the House to settle the differences between the two bodies on House bill No. 30, with regard to the Sunday law, submitted the following report:

COMMITTEE ROOM,
AUSTIN, March 30, 1883.

Hon. A. W. Houston, President pro tem. of the Senate, and Hon. C. R. Gibson, Speaker of the House of Representatives:

Your committee of free conference, to whom was referred the difference between the two houses on House bill No. 30, being "An act to amend article 186 of the Penal Code," have considered the same, and failing to agree, respectfully report the same back and ask that another committee, with same powers, be appointed to further consider the matter."

RUDOLPH KLEBERG,
A. W. TERRELL,
WM. H. POPE,
Senate Committee.
B. F. FRYMIER,
J. B. STRINGER,
J. W. PATTERSON,
House Committee.

Report read and adopted, and the President appointed as a committee of free conference on said bill Senators Gibbs, Pfeuffer and Gooch.

Senator Patton, for Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
AUSTIN, March 31, 1883.

Hon. Marion Martin, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 27, being "An act to amend article 1233 of the Revised Civil Statutes of the State of Texas," and find the same correctly engrossed.

PATTON, for Committee.

Senator Peacock introduced a bill to be entitled "An act to repeal sections 6, 68, 69, 70, 71 and 72 of an act approved March 17, 1881, entitled 'an act to provide for the organization of the State penitentiaries, and for the more efficient management of the same and till other laws and parts of laws that authorize or empower the penitentiary board to lease the State prisons, or to hire or contract the convicts to individuals or corporations to be worked either inside or outside the prison walls."

Referred to the Committee on Penitentiaries.

House bill No. 79, entitled "An act to regulate attachments in certain cases, and to provide for the distribution of the proceeds of property sold under judgment in such cases," was referred to Judiciary Committee No. 1.

The special order for this hour being Senate bill No. 269, entitled "An act to provide for the classification, sale and lease of the lands heretofore surveyed, or hereafter to be surveyed and set apart for the benefit of the common school, university, the lunatic, blind, deaf and dumb, and orphan asylum funds," with House amendments, was taken up.

Senator Peacock moved that the Senate refuse to concur in House amendments, and ask for a committee of conference.

Senator Gibbs moved as a substitute for pending motion, that the Senate consider the House amendments seriatim, and act on each separately.

Adopted.

A message was received from the House announcing the passage by that body of Senate concurrent resolution No. 2, "Ratifying the leases of the penitentiaries of the State of Texas," with House amendments.

House bill No. 456, entitled "An act to fix the fees of the Department of State, and require the collection of the same," and House substitute for Senate bill No. 157, entitled "An act to amend section 2 of an act entitled 'an act to amend articles 423, 424, 425, 426, 427, 428, 429 and 430a, and to create article 426½, and to repeal article 430, of chapter 5, title 13, of the Penal Code, for the protection of fish and game, approved March 15, 1881,'".

First House amendment of the pending resolution No. 2 was read, and,

On motion of Senator Gooch, was concurred in.

Second House amendment read.

Senator Gibbs moved to concur in the amendment.

Senator Peacock moved to not concur.

Senator Gibbs withdrew his motion, and

The amendment was concurred in.

Third House amendment read, and,

On motion of Senator Matlock, the Senate refused to concur in the same.

Fourth House amendment read, and,

On motion of Senator Gooch, the Senate refused to concur in the amendment.

Fifth House amendment read, and,

On motion of Senator Peacock, was concurred in.

Sixth House amendment read, and,

On motion of Senator Shannon, was concurred in.

Seventh House amendment read, and,

On motion of Senator Shannon, was concurred in.

Eighth House amendment read, and

Senator Gibbs moved that the Senate concur in the House amendment.

Lost.

Senator Peacock moved that the Senate do not concur.

Adopted.

Ninth House amendment read, and,

On motion of Senator Matlock, the Senate refused to concur in said amendment.

Tenth House amendment read, and,

On motion of Senator Shannon, the Senate refused to concur in said amendment.

Eleventh House amendment read, and,

On motion of Senator Gooch, the Senate refused to concur in said amendment.

Twelfth House amendment read, and,

On motion of Senator Matlock, was concurred in.

Thirteenth House amendment read, and,

On motion of Senator Gibbs, the Senate refused to concur in said amendment.

Fourteenth House amendment read, and,

On motion of Senator Peacock, was concurred in.

Fifteenth House amendment read, and,

On motion of Senator Gibbs, the Senate refused to concur in said amendment.

Sixteenth House amendment read, and

Senator Davis moved that the Senate do not concur in said amendment.

Senator Matlock moved to concur in the sixteenth House amendment.

Which was adopted by the following vote:

YEAS—12

Buchanan,	Houston,	Pope,
Cooper,	Johnston of Shelby,	Shannon,
Farrar,	Matlock,	Terrell,
Gooch,	Peacock,	Traylor.

NAYS—11.

Chesley,	Gibbs,	Patton,
Collins,	Johnson of Collin,	Perry,
Davis,	Jones,	Pfeuffer.
Getzendaner,	Kleberg,	

Seventeenth House amendment read.

Senator Davis moved that the Senate concur in said amendment.

Lost by the following vote:

YEAS—10.

Collins,	Jones,	Pope,
Davis,	Kleberg,	Terrell,
Gibbs,	Pfeuffer,	Traylor.
Johnson of Collin,		

NAYS—13.

Buchanan,	Gooch,	Patton,
Chesley,	Houston,	Peacock,
Cooper,	Johnston of Shelby,	Perry,
Farrar,	Matlock,	Shannon.
Getzendaner,		

Eighteenth House amendment read.

Senator Matlock moved that the Senate do not concur in said amendment.

Senator Gibbs moved that the Senate do concur in the eighteenth House amendment.

Senator Gibbs' motion prevailed by the following vote:

YEAS—11.

Chesley,	Gibbs,	Pfeuffer,
Cooper,	Johnson of Collin,	Pope,
Davis,	Jones,	Shannon.
Farrar,	Patton,	

NAYS—10.

Buchanan,	Houston,	Peacock,
Collins,	Johnston of Shelby,	Perry,
Getzendaner,	Matlock,	Traylor.
Gooch,		

Nineteenth House amendment, which is to add section 5. The section was read, and on motion of Senator Traylor, was concurred in.

Twentieth House amendment in section 4, line 24, manuscript bill, strike out "\$3.00" and insert "\$2.00," was read, and

Senator Shannon moved that the Senate concur in said amendment.

Lost.

Twenty-first House amendment, a proviso to section 4, was read, and

On motion of Senator Davis, was concurred in.

Twenty-second House amendment read, and

On motion of Senator Davis, was concurred in by the following vote:

YEAS—13.

Chesley,	Johnson of Collin,	Pfeuffer,
Collins,	Jones,	Pope,
Davis,	Patton,	Terrell,
Getzendaner,	Perry,	Traylor.
Gibbs,		

NAYS—10.

Buchanan,	Houston,	Matlock,
Cooper,	Johnston of Shelby,	Peacock,
Farrar,	Kleberg,	Shannon.
Gooch,		

Senator Matlock moved to reconsider the vote by which the Senate concurred in the eighteenth House amendment. Lost by the following vote:

YEAS—9.

Buchanan,	Gooch,	Matlock,
Cooper,	Houston,	Peacock,
Fleming,	Johnston of Shelby,	Shannon.

NAYS—14.

Chesley,	Getzendaner,	Perry,
Collins,	Gibbs,	Pfeuffer,
Davis,	Johnson of Collin,	Terrell,
Evans,	Jones,	Traylor.
Farrar,	Patton,	

Senator Gibbs moved to reconsider the vote by which the Senate refused to concur in third House amendment.

Senator Cooper moved to postpone the further consideration of the bill and amendments till Monday morning.

Lost by the following vote.

YEAS—11.

Chesley,	Gooch,	Matlock,
Cooper,	Johnston of Shelby,	Peacock,
Farrar,	Jones,	Shannon.
Fleming,	Kleberg,	

NAYS—13.

Buchanan,	Gibbs,	Perry,
Collins,	Houston,	Pfeuffer,
Davis,	Johnson of Collin,	Terrell,
Evans,	Patton,	Traylor.
Getzendaner,		

Senator Cooper moved a call of the Senate.

Call seconded.

Roll called, absent, Senator Pope.

Pending business went to the table under the call.

Senator Cooper moved to adjourn till 3 o'clock this evening.

Lost by the following vote:

YEAS—10.

Davis,	Gibbs,	Kleberg,
Evans,	Johnson of Collin,	Perry,
Farrar,	Jones,	Traylor.
Getzendaner,		

NAYS—13.

Buchanan,	Houston,	Peacock,
Chesley,	Johnston of Shelby,	Pfeuffer,
Collins,	Matlock,	Shannon,
Cooper,	Patton,	Terrell.
Gooch,		

On motion of Senator Gooch, the Senate adjourned till 10 a. m. Monday.

SIXTY-SEVENTH DAY.

SENATE CHAMBER, }
AUSTIN, TEXAS, April 2, 1883. }

The Senate met pursuant to adjournment.

The President pro tem. in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

Senator Pope moved that the reading of the journal of Saturday be dispensed with.

Adopted, and the same approved.

Senator Traylor, chairman of Committee on Claims and Accounts, submitted the following report:

COMMITTEE ROOM,
AUSTIN, April 2, 1883.

Hon. A. W. Houston, President pro tem. of the Senate:

Your Committee on Claims and Accounts, to whom was referred Senate bill No. 343, entitled "An act for the relief of Henry H. Barnes," not having the time and facilities for making a thorough examination of the merits of the same, recommend that the same lay on the table and be acted on by a future Legislature.

While your committee think it might be proper to allow reasonable fees in all cases where the State was cast in the suit, they do not think the State should be liable for cost because of the insolvency of individuals.

All of which is respectfully submitted.

TRAYLOR, Chairman.

Bill read first time.

Senator Gooch moved to take up the motion of Senator Gibbs, pending on adjournment Saturday, to reconsider the vote by which the Senate refused to concur in third House amendment to Senate bill 269, selling and leasing school lands, etc.

Adopted.

Senator Gibbs then withdrew his motion to reconsider, by unanimous consent.

Senator Gooch moved to reconsider the vote by which the Senate concurred in the House amendments to Senate bill No. 269 "An act to provide for the classification, sale and lease of the lands heretofore or hereafter surveyed and set apart for the benefit of the common school, university, the lunatic, blind, deaf and dumb, and orphan asylum funds."

Adopted.

Also moved that a free conference committee of five from the Senate, to act with a like committee from the House to settle the differences existing between the two bodies, be appointed.

Adopted.

Senator Patton made a point of order that the Senate was acting under the previous question on adjournment on Saturday.

The point of order was overruled.

The chair appointed on said committee on the part of the Senate Senators Gooch, Matlock, Fleming, Davis and Shannon.

Senator Davis requested to be excused, which was granted, and Senator Gibbs appointed in his place.

Senator Cooper, by unanimous consent, withdrew his motion to reconsider the vote by which House bill No. 377 was passed.

Senator Buchanan moved to suspend regular order of business and take up Senate bill No. 280, "An act to regulate telegraph companies and to prescribe a penalty for the violation of the same," and make it a special order to-morrow morning after morning call, and from day to day till disposed of.

Adopted.

The President laid before the Senate House bill No. 59, "An act to amend sections 1, 2 and 9, of an act entitled an act to amend an act entitled 'an act creating the office of public weigher, and regulating the appointment, and defining the duties and liabilities thereof,'" which went to the table under a call of the Senate, on last Friday.

Senator Martin moved a call of the Senate.

Call seconded.

Roll called.

Absent, Senator Perry.